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SUBJECT: INDONESIA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Indonesia of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Indonesia and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP,s Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Indonesia of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Indonesia,s country narrative in the 2009 TIP Report:

INDONESIA (TIER 2)

Indonesia is a major source of women, children, and men trafficked for the purposes of forced labor and commercial sexual exploitation. To a far lesser extent, it is a destination and transit country for foreign trafficking victims. The greatest threat of trafficking facing Indonesian men and women is that posed by conditions of forced labor and debt bondage in more developed Asian

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countries) particularly Malaysia, Singapore, and Japan -- and the Middle East, particularly Saudi Arabia, according to IOM data. Indonesia women and girls are also trafficked to Malaysia and Singapore for forced prostitution and throughout Indonesia for both forced prostitution and forced labor. Each of Indonesia,s 33 provinces is a source and destination of human trafficking; the most significant sources areas are, in descending order: Java, West Kalimantan, Lampung, North Sumatra, South Sumatra, Banten, South Sulawesi, West Nusa Tenggara and East Nusa Tenggara, and North Sulawesi. Trafficking of young girls, mainly from West Kalimantan, to Taiwan as false brides, persists; upon arrival, many are coerced into prostitution. A new trend identified during the last year was the trafficking of dozens of Indonesian women to Iraq,s Kurdistan region for domestic servitude. Another trend was the use of abduction by traffickers, particularly in trafficking young girls to Malaysia for forced prostitution. Women from the People,s Republic of China, Thailand, and Eastern Europe are trafficked to Indonesia for commercial sexual exploitation, although the numbers are small compared with the number of Indonesians trafficked for this purpose.

A significant number of Indonesian men and women who migrate overseas each year to work in the construction, agriculture, manufacturing, service (hotels, restaurants, and bars), and domestic service sectors are subjected to conditions of forced labor or debt bondage. The destinations for such trafficking are, in descending order: Malaysia, Saudi Arabia, Singapore, Japan, Syria, Kuwait, Iraq, Taiwan, Thailand, Macau, Hong Kong, the United Arab Emirates, Qatar, Mauritius, Yemen, Palestine, Egypt, France, Belgium, Germany, Cyprus, Spain, the Netherlands, and the United States.

Some labor recruitment companies, known as PJTKIs, operated similarly to trafficking rings, luring both male and female workers into debt bondage, involuntary servitude, and other trafficking situations. Some workers, often women intending to migrate, became victims of trafficking during their attempt to find work abroad through licensed and unlicensed PJTKIs. These labor recruiters charge workers commission fees up to \$3,000, which often require workers to incur debt to work abroad, leaving some of them vulnerable in some instances to situations of debt bondage. PJTKIs also reportedly withheld the documents of some workers, and confined them in holding centers, sometimes for periods of many months. Some PJTKIs also used threats of violence to

maintain control over prospective migrant workers. Recruitment agencies routinely falsified birth dates, including for children, in order to apply for passports and migrant worker documents.

Internal trafficking remains a significant problem in Indonesia with women and children exploited in domestic servitude, commercial sexual exploitation and small factories. Traffickers, sometimes with the cooperation of school officials, began to recruit young men and women in vocational programs for forced labor in hotels in Malaysia through fraudulent &internship8 opportunities. Indonesians are recruited with offers of jobs in restaurants, factories, or as domestic workers and then forced into the sex trade. A new trend noted this year was the recruitment of hundreds of girls and women for work as waitresses in extractive industry sites in Papua who were subsequently forced into prostitution. During the year, minor girls were rescued in illegal logging camps in West Kalimantan, where they were coerced into sexual servitude.

Malaysians and Singaporeans constitute the largest number of child sex tourists in Indonesia, and the Riau Islands and surrounding areas operate a &prostitution economy,8 according to local officials. Child sex tourism is rampant in most urban areas and tourist destinations.

The Government of Indonesia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government improved its law enforcement response to trafficking offenses and demonstrated that a significant number of its trafficking prosecutions and convictions involved labor trafficking offenses, the first time such disaggregation in data has been reported. Moreover, it sustained strong efforts to assist victims of trafficking through the funding of basic services and referral of victims to those services and others provided by NGOs and international organizations. The government showed insufficient progress, however, in efforts to confront labor trafficking committed through exploitative recruitment practices of politically powerful PJTKIs. Also, there were few reported efforts to prosecute, convict, or punish Indonesia law enforcement and military officials complicit in human trafficking, despite reporting on such

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trafficking-related corruption.

Recommendations for Indonesia: Begin using the 2007 law to address the country,s largest trafficking problem) labor trafficking, including debt bondage; significantly improve record of prosecutions, convictions, and sentences for labor trafficking*including against labor recruitment agencies involved in trafficking; re-examine existing MOUs with destination countries to incorporate victim protection; increase efforts to prosecute and convict public officials who profit from or are involved in trafficking; increase efforts to combat internal trafficking; enforce existing laws to better protect domestic workers; and increase funding for law enforcement efforts and for rescue, recovery and reintegration of victims.

Prosecution

The Indonesian government showed overall progress in anti-trafficking law enforcement efforts over the reporting period. Through a comprehensive anti-trafficking law enacted in 2007, Indonesia prohibits all forms of trafficking in persons, prescribing penalties of 3 to 15 years, imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Police and prosecutors began using the new anti-trafficking law during the reporting period; however, other laws were still used in cases pending widespread implementation of the new law. The Indonesian government

prosecuted 129 suspected trafficking offenders in 2008, an increase from 109 prosecuted in 2007. Similarly, convictions in 2008 increased to 55 from 46 convictions in 2007. Fifty-eight of the prosecutions and 9 of the convictions in 2008 were for labor trafficking offenses. The average sentence given to convicted trafficking offenders was 43 months, similar to the average sentence of 45 months in 2007.

Indonesian officials and local NGOs often criticized the police as too passive in combating trafficking absent specific complaints. Nevertheless, the 21-man Jakarta-based national police anti-trafficking task force worked with local police, the Ministry of Manpower, the Migrant Workers Protection Agency, Immigration, Ministry of Foreign Affairs, and NGOs to shut down several large trafficking organizations. After receiving training from an international donor, the Jakarta police set up an anti-trafficking unit and conducted a series of significant investigations and arrests. The ongoing two-part Operation Flower,⁸ which continued through 2008 in 11 provinces, targeted women and children trafficked for commercial sexual exploitation. Exploitation by PJTKIs remained a serious problem although several major joint police and Ministry of Manpower (MOM) raids resulted in a number of such operations shutting down. Police assigned liaison officers to Indonesian embassies in Saudi Arabia, Malaysia, Australia, the Philippines, and Thailand to support law enforcement cooperation with host governments, including trafficking investigations. Indonesia's national police cooperated with U.S. law enforcement authorities in the investigation of suspected trafficking of Indonesians to the United States for the purpose of forced labor and debt bondage.

Progress was noted in the government's dismissing, disciplining or prosecuting officials complicit in trafficking. Some immigration officials, labor officers, and local government officials were arrested for activities which abetted trafficking. Complicity in trafficking by members of the security forces remained a serious concern during the reporting period, and this often took the form of officials either engaged directly in trafficking or facilitating it through the provision of protection to brothels and prostitution fronts in discos, karaoke bars, and hotels, or by receiving bribes to ignore the problem. In addition, some local officials facilitated trafficking by certifying false information to produce national identity cards and family data cards for children to allow them to be recruited for work as adults abroad and within the country. Some MOM officials reportedly licensed and protected international labor recruiting agencies involved in human trafficking. In return for bribes, some immigration officials turned a blind eye to potential trafficking victims, failing to prevent out-bound trafficking through due diligence in the processing of passports and the application of immigration controls. Some immigration officials also directly facilitated trafficking by accepting bribes from PJTKIs to pass migrant workers to their agents at Jakarta International Airport. Members of the police and military were directly involved in the operation of brothels and fronts for prostitution, including establishments that exploited child sex trafficking victims. Despite the persistence of these reports attesting to a serious problem of official complicity in trafficking, the Indonesian government did not initiate new prosecutions of security or other government personnel for involvement in

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or facilitation of trafficking during the reporting period, though in June 2008 a former national chief of police and an Indonesian diplomat were sentenced to two and four years, imprisonment, respectively, for their facilitation of trafficking-related criminal activity.

Protection

Indonesia demonstrated strong efforts to protect victims of trafficking in Indonesia and abroad; however, available victim services remain overwhelmed by the large number of

victims. The government operated 41 integrated service centers⁸ providing services to victims of violence, including trafficking victims; four of these centers were full medical recovery centers specifically for trafficking victims. The government also relied significantly on international organizations and NGOs for the provision of services to victims. Although most security personnel did not employ formal procedures for the identification and referral of victims among vulnerable groups, such as females in prostitution, children migrating within the country, and workers returning from abroad, some victims were referred on an ad hoc basis to service providers. Throughout 2008, the government set up 305 district-level women's help desks to assist women and child victims of violence, including trafficking) an increase from 25 such desks existing in 2006. Authorities at the Tanjung Priok seaport in Jakarta screened travelers in order to identify victims of trafficking and refer them to appropriate shelters and medical care facilities. The Indonesian government provided some funding to domestic NGOs and civil society groups that supported services for trafficking victims. Although the government practiced a policy of not detaining or imprisoning trafficking victims, some victims reportedly were treated as criminals and penalized for prostitution activities. Some government personnel, such as the Jakarta-based police anti-trafficking unit, encouraged victims to assist in the investigation and prosecution of trafficking cases; others were less solicitous of victims' cooperation. In some cases, police reportedly refused to receive trafficking complaints from victims.

In mid-2008, the National Agency for the Placement and Protection of Overseas Workers (BNP) opened a new terminal at Jakarta's international airport) Terminal 4) dedicated to receiving returning Indonesian workers. BNP and MOM officials at this terminal, which replaced the older Terminal 3, screened returning migrants to identify those in distress, though inadequate efforts were made to identify victims of trafficking. Indigent victims returning through Terminal 4 were sometimes forced to spend several days in the terminal until they could find adequate funds for their transportation back to their community. While the Legal Aid Society, an NGO, succeeded in curtailing the practice of labor brokers picking up trafficking victims at Terminal 4 and forcing them back into debt bondage, traffickers adjusted by picking up victims at the regular passenger terminal to which victims had been diverted by corrupt immigration officials. Both BNP and MOM were largely ineffective in protecting migrant workers from trafficking. Indonesia's Foreign Ministry continued to operate shelters for trafficking victims and migrant workers at some of its embassies and consulates abroad. During the past year, these diplomatic establishments sheltered thousands of Indonesian citizens, including trafficking victims. The Foreign Ministry sustained proactive efforts in protecting the rights of trafficked migrant workers abroad.

Prevention

The Indonesian government made significant efforts to prevent trafficking in persons during the reporting period. The government continued some collaboration with NGOs and international organization efforts to raise awareness of trafficking. The Ministry of Women's Empowerment (MOWE), as the government's focal point and coordinator for the National Anti-Trafficking Task Force, drafted a new 2009-2013 national plan of action on human trafficking. Several provinces and districts established local plans of action and anti-trafficking committees. The MOWE conducted anti-trafficking outreach education in 33 provinces in 2008. The national government showed little political will to renegotiate a 2006 MOU with Malaysia which ceded the rights of Indonesian domestic workers to hold their passports while working in Malaysia. The government made no reported efforts to reduce the demand for forced labor or the demand for commercial sex acts during the last year. Indonesian police cooperated with Australian and Swiss authorities to arrest and deport two pedophiles sexually abusing children, and an

Indonesian court sentenced one Australian child sex tourist to eight years, imprisonment in February 2009. The government provided anti-trafficking training to Indonesian

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troops prior to their deployment abroad on international peacekeeping missions. Indonesia has not ratified the 2000 UN TIP Protocol.

¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver

of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for

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such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why was Indonesia again given a ranking of Tier 2?

A: The Government of Indonesia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government improved its law enforcement response to trafficking offenses and it demonstrated that a significant

number of its trafficking prosecutions and convictions involved labor trafficking offenses, the first time such disaggregation in data has been reported. Moreover, it sustained strong efforts to assist victims of trafficking through the funding of basic services and referral of victims to those services and others provided by NGOs and international organizations. The government showed insufficient progress, however, in efforts to confront the labor trafficking committed through exploitative recruitment practices. Also, there were insufficient reported efforts to prosecute, convict, or punish Indonesia law enforcement and military officials complicit in human trafficking, despite reporting on such trafficking-related corruption.

Q2: What progress has Indonesia made in the past year?

A: The Indonesian government showed overall progress in anti-trafficking law enforcement and prevention efforts over the reporting period. The 21-man Jakarta-based national police anti-trafficking task force worked with local police, the Ministry of Manpower, the Migrant Workers Protection Agency, Immigration, Ministry of Foreign Affairs, and NGOs to shut down several large trafficking organizations. After receiving USG training, the Jakarta police set up an anti-trafficking unit and conducted a series of significant investigations and arrests. The ongoing two-part Operation Flower,⁸ which continued through 2008 in 11 provinces, targeted women and children trafficked for commercial sexual exploitation. The Indonesian government provided some funding to domestic NGOs and civil society groups that supported services for trafficking victims. The Ministry of Women's Empowerment (MOWE), as the government's focal point and coordinator for the National Anti-Trafficking Task Force, drafted a new 2009-2013 national plan of action on human trafficking. Several provinces and districts established local plans of action and anti-trafficking committees.

Q3: What efforts could Indonesia make to improve its fight against trafficking in persons?

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A: The Indonesian Government could: begin using the 2007 law to address the country's largest trafficking problem) labor trafficking, including debt bondage; significantly improve its record of prosecutions, convictions, and sentences for labor trafficking*including against labor recruitment agencies; prohibit labor recruitment agencies from charging excessive recruitment fees; re-examine existing MOUs with destination countries to incorporate victim protection; increase efforts to prosecute and convict public officials who profit from or are involved in trafficking; increase efforts to combat internal trafficking; enforce existing laws to better protect domestic workers; and increase funding for law enforcement efforts and for rescue, recovery, and reintegration of victims.

12. 2009 TIP Report Hero from Indonesia

Elly Anita is a victim-turned-advocate who fights for the freedom of Indonesian workers trapped in the Middle East. In 2006, Ms. Anita accepted an offer to work as a secretary in Dubai. But she ended up in Kurdistan, Iraq, where she was expected to work as a waitress or hotel receptionist. When she refused, the employment agent put a gun to her head, beat her, starved her, and kept her confined to the employment agency. Near death, she still refused to be forced into a job other than secretary. When the office was empty, Ms. Anita used the internet to contact a friend. The friend directed her to the Indonesian Embassy in Amman and Indonesian NGO Migrant Care. She managed to escape Kurdistan at great risk with IOM assistance. Since returning to Indonesia, she has worked for Migrant Care and has helped rescue six other women who were trafficked to Iraq.

13. The Department appreciates posts, assistance with the preceding action requests.

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